



U.S. Department of Justice

United States Attorney
Southern District of New York

The Jacob K. Javits Building
26 Federal Plaza, 37th Floor
New York, New York 10278

February 11, 2025

By ECF

Hon. Loretta A. Preska
United States District Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *United States v. Dawud Barnes*, 04 Cr. 186 (LAP)

Dear Judge Preska:

The Government respectfully submits this letter in response to defendant Dawud Barnes's motion for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2) (the "Motion"). (Dkt. 667.) The Motion should be denied as moot because the defendant has completed serving his sentence in this case.

On August 7, 2006, a grand jury returned superseding indictment S9 04 Cr. 186 (SCR), which charged the defendant in thirty-eight counts relating to the defendant's association with the Barnes Brothers Organization, a large and violent narcotics distribution enterprise operating in the Peekskill, New York area (the "Indictment"). On March 25, 2009, the defendant pleaded guilty to Count One of the Indictment, which charged the defendant with a racketeering offense, in violation of 18 U.S.C. § 1962(c). On May 28, 2010, the defendant was sentenced to a term of 216 months' imprisonment, followed by a five-year term of supervised release. (Dkt. 571 (judgment).)

On January 11, 2016, the defendant filed the instant Motion for a sentence reduction on the basis that his sentence was based on a sentencing range that had subsequently been lowered by the United States Sentencing Commission. (Dkt. 667.) On January 27, 2025, the Court directed the Government to respond to the Motion. (Dkt. 711.)

The defendant's Motion is moot. The defendant completed his term of imprisonment and was released from prison on or about August 7, 2019. *See* Exhibit A (BOP records). The defendant's term of supervised release was completed on or about August 4, 2024. *See* Exhibit B (correspondence with U.S. Probation Office).

Because a reduced sentence can provide no relief to the defendant, the Motion is moot. *See, e.g., United States v. Dikshit*, No. 23-8114, 2024 WL 4380409, at *1 (2d Cir. Oct. 3, 2024) (appeal from denial of sentence reduction motion was moot where defendant had "completed [his] term of incarceration and been released from custody, and thus the ultimate relief he sought through the motion is impossible to obtain"); *United States v. Martin*, 974 F.3d 124, 140–44 (2d Cir. 2020) (sentence reduction motion was moot where defendant had completed term of incarceration as to that conviction and no "continuing injury or collateral consequence" existed); *United States v. Key*, 602 F.3d 492, 494 (2d Cir. 2010) (sentence reduction motion was moot where defendant had completed his term of incarceration and "[e]ven if it were possible, on remand, for the District Court to terminate defendant's supervised release . . . , that possibility is too 'remote and speculative' to 'satisfy the [constitutional] case-or-controversy requirement'") (original alterations omitted); *United States v. McPherson*, No. 13 Cr. 362 (JPC), 2023 WL 8355358, at *3 (S.D.N.Y. Dec. 1, 2023) (sentence reduction motion was moot where defendant had completed his term of incarceration, even though defendant was on supervised release).


For the foregoing reasons, the Court should deny the Motion as moot.

Respectfully submitted,

DANIELLE R. SASSOON
United States Attorney for the
Southern District of New York

Defendant's motion for a sentence reduction is denied as moot because Defendant completed his term of imprisonment and his term of supervised release. *United States v. Dikshit*, No. 23-8114, 2024 WL 4380409, at *1 (2d Cir. Oct. 3, 2024). The Clerk of the Court is respectfully directed to close dkt. no. 667 and mail a copy of this order to Defendant. **SO ORDERED.**

By: 
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Loretta A. Preska
United States District Judge

February 12, 2025
New York, New York